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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,950	06/18/2001	Donald R. Ricci	13202.00267	6067

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EXAMINER

GHAFOORIAN, ROZ

ART UNIT PAPER NUMBER

3763

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/744,950

Applicant(s)

RICCI ET AL.

Examiner

Rož Ghafoorian

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 61-120 is/are pending in the application.
- 4a) Of the above claim(s) 92-114 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-91 and 115-120 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 92-114 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method of use, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8. The applicant has amended claims 56 and 68 and they both read on the same invention and it will not require an additional search for claims 56-87, 111-115 and they will be examined in this office action. However, the method claims 87-110 as indicated in the prior office action Paper No.7, still lacks special technical feature and will not be examined.

### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 56-115 been renumbered 61-120

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 61, 64-69, 76-81, 85-86, 115-120 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5902331 to Bonner et al.

Bonner teaches a an endocardial cardiac lead comprising a catheter 80, a guidewire 56, 156; and an endovascular sleeve 10 comprising a first tubular passage 71 and a second tubular passageway 61 fixed with respect to one another the first tubular passageway comprising a first distal end and a first proximal end, the second tubular passageway comprising a second distal end and a second distal end, the first distal end extending beyond than the second distal end to define a junction with abuts against a crotch in the bifurcated body passageway; said guidewire being disposed in the first tubular passageway and the second tubular passageway is free of any guidewire. The first and second passages both have a substantially circular cross-section. The tubular passageways are each constructed of a material having sufficient integrity to be navigated though tortuous body passageways.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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✓ 62-63, 73 R6 12-20-02  
4. Claims 67-69, 74-75, 85-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.5902331 to Bonner et al, and further in view of US Patent No.566924 to Shaknovich.

As mentioned above Bonner teaches the claimed invention except for a radiopaque marker, a bifurcated stent, and two balloons. Shaknovich teaches a Y-shuttle stent assembly with a radiopaque marker, a bifurcated stent, and two balloons.

Therefore it would have been an obvious to one having ordinary skill in the art at the time the invention was made to have added Shaknovich's limitation to Bonner's apparatus. Because as with any type of catheter or sleeve introduced in to the body it would be a great advantage for the physician to locate the catheter/sleeve in the body via a radiopaque marker as indicated in Shaknovich. Furthermore to introduce a stent at a bifurcation there needs to be two balloons with stents placed on each to allow the stent to extend in the bifurcation. In order to achieve sufficient expansion of the stent along its entire length and to anchor the stent in the target vessel, the balloon used for employment is optimally, when inflated, there is a need for two balloon one for each stent.

5. Claims 70-72 and 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.5902331 to Bonner et al, and further in view of US Patent No.5830196 to Hicks.

As mentioned above Bonner teaches the claimed invention except for a first and second tubular passages having a chamfered shaped distal ends. Hicks teaches a tapered and reinforced catheter

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Therefore it would have been an obvious to one having ordinary skill in the art at the time the invention was made to have added Hicks limitation to Bonner's apparatus, because the tapered or chamfered shape at the tip of the sleeve or catheter minimizes insertion trauma in to the lumen. (Abstract)

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Ghafoorian whose telephone number is 703-305-2336. The examiner can normally be reached on 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

RG  
December 2, 2002



MICHAEL J. HAYES  
PRIMARY EXAMINER